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<https://www.in.gov/isda/2352.htm>

## **UNAPPROVED BOARD OF DIRECTORS MEETING MINUTES**

**DISCLAIMER:** *The following minutes of the Indiana Grain Indemnity Corporation Board of Directors public meeting held on Thursday, November 3, 2022, are a preliminary draft of the general substance that was proposed, discussed, and/or decided during the meeting. These minutes are not yet approved and are subject to revision.*

**Date:** Thursday, November 3, 2022

**Time:** 9:00 AM EDT

**Location:** Indiana Farm Bureau Building  
7<sup>th</sup> Floor Conference Room  
225 S East Street  
Indianapolis, IN 46202

**Type:** Public Meeting

**Notice Posted in Advance:** Yes

**Quorum:** Satisfied

### **Meeting Attendees**

#### **Voting Members of the Board Present:**

Mr. Mike Buis  
Mr. Jim Douglas  
Mr. Randy Kron  
Mr. Gary Neese  
Mr. Ron Reichart<sup>1</sup>  
Mr. Peter Schram  
Mr. Mike Silver  
Mr. Kevin Underwood – via Teams

#### **Non-Voting Members of the Board Present:**

Ms. Kelly Mitchell – represented by Mr. Duane Jasheway  
Mr. Todd Rokita – represented by Mr. Philip Gordon  
Mr. Harry Wilmoth

#### **Members of the Board Absent:**

Mr. Joe Caffee  
Mr. Dave Howell

#### **Resource Staff:**

Ms. Aubrey Bush, Operations Specialist, Indiana Grain Buyers & Warehouse Licensing Agency  
Mr. Jesse Cordray, Deputy Director of Legislative Affairs, Indiana State Department of Agriculture  
Ms. Heather Crockett, Section Chief, Office of the Attorney General  
Ms. Audrey Hislip, Compliance Officer, Indiana Grain Buyers & Warehouse Licensing Agency  
Mr. Bruce Kettler, Director, Indiana State Department of Agriculture  
Mr. Kyle Kramer, Compliance Officer, Indiana Grain Buyers & Warehouse Licensing Agency  
Ms. Katie Nelson, Director of Legislative Affairs, Indiana State Department of Agriculture  
Ms. Lucy Newell, Legislative Affairs Operations Specialist, Indiana State Department of Agriculture  
Mr. Jordan Seger, Deputy Director, Indiana State Department of Agriculture  
Mr. Kyle Shepherd, Deputy Director of Compliance, Indiana Grain Buyers & Warehouse Licensing Agency  
Ms. Amanda Williams, Deputy Director of Licensing, Indiana Grain Buyers & Warehouse Licensing Agency

#### **Guests:**

Ms. Linda Caley  
Ms. Leslie Douglass  
Ms. Diane Kratzer  
Ms. Amy Krieg, Legislative Deputy Director, Office of the Lieutenant Governor

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<sup>1</sup> Reichart joined the meeting in person at 9:24 AM EDT.

Ms. Jean Pasko

Mr. Mark Thornburg, Executive Director Legal Affairs, Indiana Farm Bureau

Ms. Anne Valentine, Chief of Staff, Office of the Lieutenant Governor

Mr. Nathaniel Warenski, State Statistician, USDA, NASS, Great Lakes Region

**Call to Order:** 9:14 AM EDT

**Roll Call:** Bush conducts roll call identifying seven (7) voting members and three (3) non-voting members of the Indiana Grain Indemnity Corporation ("Corporation") Board of Directors ("Board") to be physically present, and one (1) voting member of the Corporation's Board participating via teleconference.

**Quorum:** Pursuant to Ind. Code § 26-4-3-4(a), Wilmoth confirms the required quorum of six (6) voting members is met.

**Chairman's Welcome:** Wilmoth welcomes all attendees to the public meeting. Pursuant to Ind. Code § 5-14-1.5-4(a), he confirms a copy of today's public meeting agenda is posted at the entrance to the location of the meeting prior to the start of the meeting. Pursuant to Ind. Code § 5-14-1.5-5(a), he confirms the public notice for today's public meeting and executive session was given on October 31, 2022. Pursuant to Ind. Code § 5-14-1.5-3.6(c), he confirms at least one-third (1/3) of the Board is physically present and reminds the Board all votes must be taken by a roll call vote as one (1) of its members is participating in today's meeting by electronic communication. Wilmoth also informs all attendees today's public meeting is being recorded. He reminds all members of the Board of the conflict of interest; recusal (Ind. Code § 26-4-3-8.5) and violating confidentiality agreement (Ind. Code § 26-4-3-8.7) sections of the Grain Indemnity Program statute.

**Review of Previous Board Meeting Minutes:** Wilmoth states the minutes from the public meeting held on July 15, 2022, had been previously distributed to all members of the Board and asked if any amendments to the minutes need to be made.

Motion made by Douglas to approve the previous meeting minutes as written.

Seconded by Buis and passed without dissent.

Roll Call Vote					
Buis	-	Yea	Neese	-	Yea
Caffee	-	<i>Absent</i>	Reichart	-	Yea
Douglas	-	Yea	Schram	-	Yea
Howell	-	<i>Absent</i>	Silver	-	Yea
Kron	-	Yea	Underwood	-	Yea

**Review of Previous Board Executive Session Memorandum:** Wilmoth states the memorandum from the executive session held on July 15, 2022, had been previously distributed to all members of the Board and asked if any amendments to the memorandum need to be made.

Motion made by Kron to approve the previous executive session memorandum as written.

Seconded by Schram and passed without dissent.

Roll Call Vote					
Buis	-	Yea	Neese	-	Yea
Caffee	-	<i>Absent</i>	Reichart	-	Yea
Douglas	-	Yea	Schram	-	Yea
Howell	-	<i>Absent</i>	Silver	-	Yea
Kron	-	Yea	Underwood	-	Yea

**Indiana Grain Indemnity Fund:** Wilmoth provides an update on the Indiana Grain Indemnity Fund ("Fund"). As of September 30, 2022, the Fund's total balance is \$31,942,242.63 comprised of cash and investments. He explains since July 1, 2022, the Fund has generated approximately \$25,000 in investment interest revenue and expensed \$111,402.86 in partial payments to a proven claimant impacted by the Salamonie Mills, Inc., grain failure. Using the Public Meeting Presentation, Wilmoth outlines the Fund's current investment maturities and a potential investment strategy.

**Salamonie Mills, Inc., Grain Failure:**

- Wilmoth provides an update on the Salamonie Mills, Inc., grain failure. To date, the Board has approved and issued \$4,627,111.39 dollars in partial payments to 120 proven claimants. Of all partial payments issued, approximately 99.6% of issued checks have been deposited by the eligible claimants.
- He informs the Board the assigned Administrative Law Judge with the Office of Administrative Law Proceedings ("OALP") has determined: (1) Ind. Code § 26-3-7 directs that the fifteen (15) month lookback period has a defined beginning date and ending date; and does not permit grain delivered after the date of failure to be reimbursed through IGBWLA's claims process; and (2) The date of failure IGBWLA should have used in its October 26, 2020 Findings of Fact and Final Order is March 20, 2020.
- Two (2) petitions for review were dismissed by OALP and have filed for judicial review. Nine (9) other petitions for review remain before OALP to resolve other matters. If all petitions for review are unsuccessful, IGBWLA's October 26, 2020, Findings of Fact and Final Order shows eight (8) of the petitioners still have a reimbursable loss totaling \$2,530,474.81.

**IGBWLA Performance Review Update:** Seger updates the Board on the IGBWLA performance review. He explains the review is underway and on schedule. During the initial phase of this review, IGBWLA staff provided documents to Crowe who then conducted one-on-one staff interviews. To date, Crowe has not reported any notable findings.

**ISDA/IGBWLA State Budget Request Update:** Seger updates the Board on the ISDA/IGBWLA state budget request. He explains ISDA submitted its biennium budget request to the Office of Management and Budget. This request includes a \$1.2 million appropriation to enable IGBWLA to: independently support its current expenses; help the division further develop its operational, human capital, and technological capacities; and implement potential recommendations from the current performance review.

**State Grain Programs Comparison Report:** Using the Public Meeting Presentation, Nelson informs the Board about other states' grain indemnity and regulatory programs.

**IGBWLA Director's Report:** Using the Public Meeting Presentation, Wilmoth informs the Board about recent IGBWLA operations and Indiana's grain industry.

**General Public Comment:** Prior to the start of the meeting, the following individuals submitted a written request, and was given, an opportunity to address the Board.

- Ms. Linda Caley addresses the Board about the Salamonie Mills, Inc., grain failure and the Indiana Grain Buyers and Warehouse Licensing and Bonding Law (Ind. Code § 26-3-7).
- Ms. Jean Pasko addresses the Board about OALP's process and August 2022 hearings, and the Association of Grain Regulatory Officials.
- Ms. Leslie Douglass addresses the Board about OALP's August 2022 hearings, public comment portions that were held during previous Board meetings, the IGBWLA performance review, and the IGBWLA clearing account.

**Adjournment:** 11:24 AM EDT

Motion made by Reichart to adjourn the public meeting.  
Seconded by Buis and passed without dissent.

Roll Call Vote					
Buis	-	Yea	Neese	-	Yea
Caffee	-	<i>Absent</i>	Reichart	-	Yea
Douglas	-	Yea	Schram	-	Yea
Howell	-	<i>Absent</i>	Silver	-	Yea
Kron	-	Yea	Underwood	-	Yea

**Executive Session:** Immediately following the public meeting, an executive session was held for a discussion of records classified as confidential by state or federal statute (Indiana Code 5-14-1.5-6.1(b)(7)) pursuant to Indiana Code 26-3-7-6.5(d).

The following travel vouchers for mileage reimbursement were submitted after the meeting was adjourned:

Name	Amount
Mr. Mike Buis	\$ 36.26
Mr. Jim Douglas	\$ 43.90
Mr. Gary Neese	\$ 41.16
Mr. Ron Reichart	\$ 66.35
Mr. Peter Schram	\$ 44.88
Mr. Mike Silver	\$ 59.88
<b>Grand Total</b>	<b>\$292.43</b>

Adopted by the Board during the meeting on: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Chairman's Signature: \_\_\_\_\_